

DEC 23 2019

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Vs.

Raishard Jamal POTTS

CRIMINAL COMPLAINT

Case Number: V-19-101M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about December 22, 2019 in Refugio County, in the Southern District of Texas, defendant, **Raishard Jamal POTTS**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Angel C. Davila**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

December 23, 2019

Date

at

Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Angel C. Davila

Printed Name of Complainant

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On December 22, 2019 at approximately 9:10 A.M., a Refugio Police Department Sgt. Radford stopped a maroon 2020 Kia Sorento for a traffic violation near Refugio, Texas. The driver (Raishard Jamal POTTS) falsely identified himself and failed to provide identification. The passenger presented Sgt. Radford with a Colombian passport. Sgt. Radford questioned the driver as to where he was headed and how he knew the passenger in the vehicle. POTTS told Sgt. Radford that he had traveled to Kingsville, Texas for a party and he stayed at a Best Western hotel in Kingsville, Texas.

Sgt. Radford asked POTTS where he was traveling to and he stated Houston. POTTS added he was traveling back home to Houston and that he met the passenger, Fredis Melchor VALENCIA at the Best Western Hotel in Kingsville, Texas. POTTS told Sgt. Radford that VALENCIA had asked him for a ride to Houston. Sgt. Radford asked POTTS how he met VALENCIA and he stated he had met him at the Best Western Hotel in Kingsville where he had stayed for the night. POTTS told Sgt. Radford that he was just giving VALENCIA a ride to Houston, Texas. At that time, Sgt. Radford contacted the Corpus Christi US Border Patrol Station for assistance.

Field interviews:

BPA E. Hernandez of the Corpus Christi USBP station interviewed the subjects. The driver was determined to be a United States citizen. The adult male passenger was determined to be a citizen of Colombia without legal documents to enter or remain in the United States. The subjects were detained at the Refugio County jail pending transport to Corpus Christi USBP station for further interview and processing.

Miranda Rights:

All subjects were advised of their Miranda Rights in their preferred language. Both subjects acknowledged they understood their rights. Both subjects were willing to provide statements without the present of an attorney.

Defendant Raishard Jamal POTTS statement:

Several video interviews were conducted on POTTS. Below is the first statement given by POTTS under the alias of T. M. (DOB: 05/22/2002 USC). POTTS was claiming to be T.M. when he first arrived at the Corpus Christi Border Patrol Station. T. M. is the juvenile younger brother of POTTS.

POTTS stated it never crossed his mind if the person was illegal. POTTS stated he spoke very little Spanish and it was his first time down there. POTTS stated VALENCIA, had already paid him \$150 when he picked him up from a hotel. POTTS said VALENCIA said it was for him if he could ride back with him. POTTS stated he needed the money for gas.

POTTS admitted his true name was Raishard Jamal POTTS. His date of birth was September 26, 2000. He admitted that his previous name that he gave was not his true name, but instead his younger brother. POTTS stated he used that name because he believes he has a warrant for theft out of Houston, Texas and that he is currently on probation.

POTTS stated a friend from Houston by the name of Coco asked him if he wanted to make some money. Coco was talking about \$3000 USD. POTTS stated Coco told him they wanted him to get someone. POTTS stated he would be given some money upfront and the rest after he dropped off the person in Houston. POTTS stated he met a man at a Studio 6 in Houston by the name of Luis. Luis gave him a rental car that was rented in Houston. POTTS stated Coco told him, there was so much more he didn't know. She told him someone had already been caught at the checkpoint and another ran with the money. POTTS stated he was also told a car would be following him making sure this was getting done. He was unsure if this was true or not.

POTTS stated all he knew about the person he was picking up, VALENCIA, was that he didn't speak English. POTTS stated Luis told him he would only get asked one question at the checkpoint, Was he a United States Citizen? Luis told him the other guy was good. POTTS was told to bring him back to Houston and bring him to Luis. POTTS stated he was given an address and told to pick up the individual. He drove down south to an unknown address he entered on his GPS (cell phone), picked up VALENCIA, and drove back north. He tried conversing with VALENCIA, but he didn't speak very much English. POTTS stated he arrived at the checkpoint, with VALENCIA seated beside him. After crossing the checkpoint they drove until stopping at a Motel 6 in Sinton, Texas located close to a Loves truck stop, and rested for several hours. They continued north until being encountered by the police.

Material Witness Fredis Melchor VALENCIA-Arroyo statement:

VALENCIA stated a friend put him in contact with a smuggler to have him smuggled to Houston, Texas for a fee of \$9,000 United States Dollars.

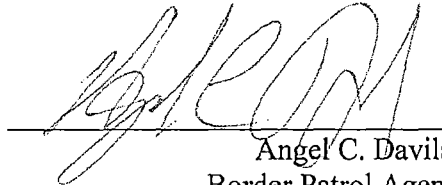
VALENCIA stated he crossed the Rio Grande River around June 27, 2019. He has been living in the Valley, working agricultural labor. He was staying in a trailer he was renting for a small fee. The smuggler was asking for \$2,000 USD from him of which he still owes \$600 USD. VALENCIA stated he was going to get picked up by someone and taken to Houston. He waited to get picked up until the smuggler called him to tell him that his ride had arrived. He came out of his place and got in the vehicle. VALENCIA stated the driver of the vehicle told him they were going to Houston. VALENCIA stated he was not going to give any money to the driver. VALENCIA also stated the driver never asked him for any money. VALENCIA stated they crossed the checkpoint at night. He was seated inside next to the driver in the passenger seat. They got through the checkpoint and drove north until stopping at a hotel to sleep for a few hours. VALENCIA stated after getting back on the road they drove north until getting encountered by the police. VALENCIA stated POTTS should have known he was illegal because he was the one picking him up and transporting him north.

Note:

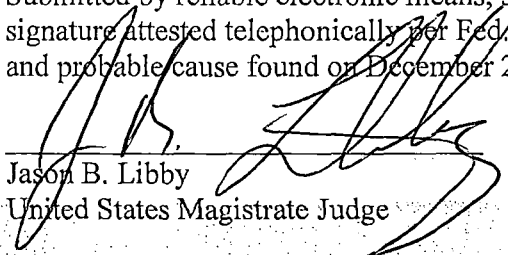
VALENCIA-Arroyo was shown a photo lineup and was able to identify Raishard Jamal POTTS, the principal in the case as the driver of the vehicle.

Disposition:

The case was accepted by the Assistant United States Attorney's Office against Raishard Jamal POTTS for prosecution 8 USC 1324, Alien Smuggling. Fredis Melchor VALENCIA-Arroyo was kept as Material Witness.


Angel C. Davila
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on December 23, 2019.


Jason B. Libby
United States Magistrate Judge